

REMARKS

Claims 1, 2 and 9-25 are pending and rejected in this application. Claims 1, 9 and 19 are amended hereby.

Responsive to the Examiner's rejection of claims 1, 2, 9-13, 19, 20, 24 and 25 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,911,198 (Curen et al.), Applicant has amended claims 1, 9 and 19, and submits that claims 1, 2, 9-13, 19, 20, 24 and 25 are now in condition for allowance.

Curen, et al. disclose an animal stimulator (Fig. 1) including a stimulator 12 and a plurality of photovoltaic members 16 that produce energy that powers stimulator 12 in response to exposure to electromagnetic radiation. Stimulator 12 also includes a pair of probes 18 that administer an electrical signal. Simulator 12 may also administer an audio signal, a spray directed at the animal or other mechanical stimulates, such as one or more probes that contact the skin of the animal or a mechanical stimulus that tightens collar 14 (column 2, line 40, through column 3, line 5).

In contrast, claim 1, as amended, recites in part:

a probe having an impactor movably disposed therein

(Emphasis added). Applicant submits that such an invention is neither taught, disclosed nor suggested by Curen et al. or any of the other cited references, alone or in combination and includes distinct advantages thereover.

Curen et al. disclose an animal stimulator that includes a pair of probes that administer an electrical signal. However, Curen et al. and any of the other cited references, alone or in combination, fail to disclose, teach or suggest a probe having an impactor movably disposed therein, as recited in claim 1.

An advantage of Applicant's invention is that the impactor is internally moved within the probe and kinetic energy from its movement impacts the skin of the animal, thereby creating a pressure pulse against the skin of the animal. For the foregoing reasons, Applicant submits that claim 1, and claim 2 depending therefrom, are now in condition for allowance, which is hereby respectfully requested.

In further contrast, claim 9, as amended, recites in part:

an impactor movably disposed within said pressure pulse generating means, said impactor under the control of said controller and providing kinetic energy to said pressure pulse generating means to generate said mechanical compression wave.

(Emphasis added). Applicant submits that such an invention is neither taught, disclosed nor suggested by Curen et al. or any of the other cited references, alone or in combination includes distinct advantages thereover.

Curen et al. disclose an animal stimulator that includes a pair of probes that administer an electrical signal. However, Curen et al. and any of the other cited references, alone or in combination, fail to disclose, teach or suggest an impactor movably disposed within the pressure pulse generating means, the impactor under the control of the controller and providing kinetic energy to the pressure pulse generating means to generate a mechanical compression wave, as recited in claim 9.

An advantage of Applicant's invention is that the impactor is internally moved within the pressure pulse generating means and the kinetic energy from its movement is then transferred to the skin of the animal, thereby creating a pressure pulse against the skin of the animal. For the foregoing reasons, Applicant submits that claim 9, and claims 10-13 depending therefrom, are now in condition for allowance, which is hereby respectfully requested.

In still further contrast, claim 19, as amended, recites in part:

moving said impactor within said probe; and

directing a mechanical compression wave from said impactor to the skin of the animal when undesirable behavior is detected.

(Emphasis added). Applicant submits that such an invention is neither taught, disclosed nor suggested by Curen et al. or any of the other cited references, alone or in combination includes distinct advantages thereover.

Curen et al. disclose an animal stimulator that includes a pair of probes that administer an electrical signal. However, Curen et al. and any of the other cited references, alone or in combination, fail to disclose, teach or suggest moving an impactor within the probe and directing a mechanical compression wave from the impactor to the skin of the animal when undesirable behavior is detected, as recited in claim 19.

An advantage of Applicant's invention is that the impactor is internally moved within the probe and the kinetic energy from its movement is then transferred to the skin of the animal, thereby creating a pressure pulse against the skin of the animal. For the foregoing reasons, Applicant submits that claim 19, and claims 20, 24 and 25 depending therefrom, are now in condition for allowance, which is hereby respectfully requested.

Claims 14-17 and 21-23 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Curen et al. in view of U.S. Patent No. 5,815,077 (Christiansen). However, claims 14-17 depend from claim 9, and claims 21-23 depend from claim 19, and claims 9 and 19 have been placed in condition for allowance for the reasons given above. Accordingly, Applicant submits that claims 14-17 and 21-23 are now in condition for allowance.

Claim 18 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Curen et al., Christiansen and in view of U.S. Patent No. 5,559,498 (Westrick et al.). However, claim 18

depends from claim 9, and claim 9 has been placed in condition for allowance for the reasons given above. Accordingly, Applicant submits that claim 18 is now in condition for allowance, which is hereby respectfully requested.

For the foregoing reasons, Applicant submits that no combination of the cited references teaches, discloses or suggests the subject matter of the amended claims. The pending claims are therefore in condition for allowance, and Applicant respectfully requests withdrawal of all rejections and allowance of the claims.

In the event Applicant has overlooked the need for an extension of time, an additional extension of time, payment of fee, or additional payment of fee, Applicant hereby conditionally petitions therefor and authorizes that any charges be made to Deposit Account No. 20-0095, TAYLOR & AUST, P.C.

Should any question concerning any of the foregoing arise, the Examiner is invited to telephone the undersigned at (260) 897-3400.

Respectfully submitted,



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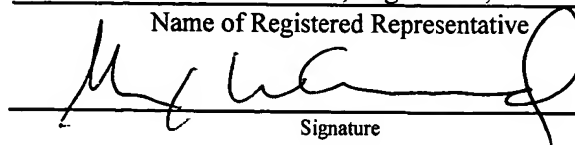
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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: MS RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on: August 4, 2003.

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August 4, 2003

Date